



**U.S. Department of Justice**  
Civil Division

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May 2, 2025

**By ECF**

Honorable Michael E. Farbiarz  
United States District Judge  
U.S. Post Office & Courthouse  
Federal Square  
Newark, New Jersey 07101

Re: ***Khalil v. Joyce, et al.*, Civ. Act. No. 25-1963 (MEF) (MAH)**  
**Government's Letter in Accordance to the Court's Order (ECF No. 217)**

Dear Judge Farbiarz:

In accordance with the Court's order, *see* ECF No. 217, Respondents ("the Government") submit this letter in response to Petitioner Mahmoud Khalil's letter requesting that the Court allow him to amend his petition. The Government opposes Petitioner's amended petition, and this Court should not accept it for several reasons. First, as a thresholding venue matter, the District of New Jersey is an improper venue in which to litigate Petitioner Mahmoud Khalil's habeas claims because he is not currently confined here. Second, as the Government argued in its prior filings, this Court lacks subject-matter jurisdiction over the case.<sup>1</sup> The Immigration and Nationality Act (INA) channel all removal-related challenges through a petition for review. Khalil is now also challenging a subsequent charge of removability, and this Court's opinion has effectively created a race between this Court and the immigration court to adjudicate removability. That is exactly what the INA meant to avoid.

Per the Court's order, the Government will submit its letter brief in opposition to the amended petition no later than May 5, 2025 at 5:00pm.

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<sup>1</sup> The Government acknowledges that this Court issued an opinion, rejecting that the Immigration and Nationality's Act jurisdictional bars apply. *See* ECF No. 214. Nevertheless, the Government maintains that the Court's opinion is wrongly decided.

Respectfully submitted,

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